

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CARCO GROUP, INC. and PONJEB V,  
L.L.C.,

Plaintiffs,

-against-

DREW MACONACHY,

Defendant.

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**ORDER**

CV 05-6038 (ARL)

**LINDSAY, Magistrate Judge:**

Before the court is plaintiffs' motion by letter application dated December 20, 2010, seeking leave to: (1) strike all legal arguments contained in "Defendant Drew Maconachy's Response to Plaintiff's Proposed Findings of Fact"; and (2) strike "Defendant Drew Maconachy's Proposed Findings of Fact" in its entirety. Defendant opposes the motion

Plaintiffs' application is granted. At a conference held before the undersigned on September 1, 2010, the procedure for resolving the limited remand on damages was established. In particular, it was agreed that (i) plaintiffs would submit proposed findings of fact in support an award of damages; (ii) defendant would submit proposed findings noting any disputed facts; and (iii) plaintiffs may, file a reply. Each set of proposed findings was to include citations to the record. A memorandum of law could be submitted if the court requested one.

The defendant's submissions fail to comply with the procedures set forth above. Accordingly, defendant is directed to submit his response on or before January 7, 2011. Plaintiffs may file a reply to defendant's submission on or before January 28, 2011.

Dated: Central Islip, New York  
December 22, 2010

**SO ORDERED:**

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/s/  
ARLENE R. LINDSAY  
United States Magistrate Judge